

## REMARKS

### Rejections under 35 U.S.C. 102(b)

The examiner rejected Claims 1, 8, 10, 12-16 and 20-23 as allegedly anticipated by U.S. Patent 5,761,418 to Francis et al. (Office Action at pages 2-3.)

With reference to claims 1, 8, 10, 12 - 16 and 20 -23 the Examiner states that Francis (U.S. Patent No. 5,761, 418 to Francis et. al.) discloses a method for clustering a plurality of documents "in a hierarchical data structure (See Fig. 5) comprised of a plurality of clusters (see Fig. 1, clusters A – C), wherein each document includes a plurality of words (col. 7, lines 15 – 16), the method comprising:

- 'Accessing the document collection' See Fig. 2, fig. 15, element 1540, col. 8, lines 13 – 25.
- 'Performing a clustering process that creates a hierarchy of clusters that reflects a segregation of the documents in the collection based on the words included in the documents' [.] See Fig. 1, col. 7, lines 4 – 31. The resources are linked to each other by a path or links. In other words, the first resource links to second, and the second resource can link to third resource by its terms as shown in Fig. 5. The Fig. 5 shows searching branching out within the clusters (col. 13, lines 45 – 51). Clearly, this is a hierarchical structure of the clusters." *Id.* at pages 2-3.

Applicants respectfully traverse.

Francis discloses the so-called Ingrid topology, which organizes the resources into a non-hierarchical sparsely connected mesh network shown in FIG. 1 (col. 6, lines 59-67 and col. 7, lines 4-7). Further, FIG 5 does not show a hierarchical data structure as the Examiner contends. Indeed, FIG 5 only depicts an example of a search procedure in the information navigation system and shows searching branching out within clusters with two terms, until two clusters with three terms are found (col. 13, lines 45-46). Moreover, the method disclosed in Francis et al. requires knowledge of at least one resource before any links can be traversed (col. 7, lines 26-31). Furthermore, the clusters disclosed in Francis et al. are latent in that no system stores the membership of the clusters (col. 7, lines 12-15). Nowhere does Francis disclose a method using “a hierarchical data structure comprised of a plurality of clusters...performing a clustering process that creates a hierarchy of clusters...” and then “storing a representation of the hierarchy of clusters in a memory,” as recited in claim 1. Additionally, because Francis does not disclose the creation or use of any hierarchical data structures to store representations of embodiments of hierarchies of clusters, it neither suggests nor anticipates claims 8, 10, 12 -15, 20, 22-23.

Claim 16 depends from claim 15 and is not anticipated for at least the same reasons.

Claim 21 depends from claim 20 and is not anticipated for at least the same reasons.

Therefore, claims 1, 8, 10, 12-16 and 20-23 are pending and under consideration.

### **Rejections under 35 U.S.C. 103**

The Examiner has also rejected claims 2-7, 9, 11, 17-19 under 35 U.S.C. 103 as allegedly being unpatentable over U.S. Patent 5,761,418 to Francis et. al. in view of U.S. Patent 6,233,575 to Agrawal et al. (Office Action at pages 4-5).

Claims 2-7, 9, 11, and 17-19 depend from independent claims 1, 8, 10, and 15 respectively, which, as Applicant has pointed out above, are patentable and not anticipated by Francis. Therefore, without directly addressing Examiner's arguments and in view of the patentability of claims 1, 8, 10, and 15 over Francis, Applicant respectfully submits that claims 2-7, 9, 11, and 17-19 are also patentable over Francis in view of Agrawal.

Applicant respectfully submits that claims 2-7, 9, 11, 17-19 are pending and under consideration.

### **Conclusion**

As a result of this Amendment, claims 1-23 are currently pending. The following remarks are submitted to be fully responsive to the Office Action. Reconsideration of this application in light of these remarks and allowance of this application is respectfully requested.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and  
charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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